

**Sticking With Our Union:** *In this series of short educational articles, AFSCME Florida discusses the strengths we have through constitutionally protected collective bargaining in Florida and what is at stake in making sure our contracts stay in place. To preserve your contract and voice for fair wages, benefits, job security, safe workplaces and retirement with respect and dignity, go to [www.afscmefl.org/join](http://www.afscmefl.org/join) to join your local and make sure your co-workers do the same.*

## ***Your Right To Union Representation***

All union members, have what are known as *Weingarten* rights during investigatory interviews. This right was first articulated by the Supreme Court in the case, NLRB v. J. Weingarten, Inc. In that case, the Court found that Section 7 of the NLRA protects employees who refuse to submit to certain interviews without a requested representative present: *Unionized employees have the right to have a steward present during a meeting with management when the employee believes the meeting might lead to disciplinary action being taken.*

An investigatory interview is one in which a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his/her conduct. Examples of such an interview are:

1. The interview is part of the employer's disciplinary procedure or is a component of the employer's procedure for determining whether discipline will be imposed.
2. The purpose of the interview is to investigate an employee's performance where discipline, demotion or other adverse consequences are a possible result.
3. The purpose of the interview is to elicit facts from the employee to support disciplinary action that is probable or that is being considered, or to obtain admissions of misconduct or other evidence to support a disciplinary decision already made.
4. The employee is required to explain his/her conduct, or defend it during the interview, or is compelled to answer questions or give evidence.

If an employee has a reasonable belief that discipline or discharge may result from what s/he says, the employee has the right to request Union representation. Union representatives have rights in an employee interview:

- Employers are required to inform union representatives as to the subject matter of the interview and allow time to meet with the employee prior to questioning.
- A union representative may ask the employer to clarify questions, give advice on how to answer questions and provide additional information after the questioning. A union representative may also object to questions if they are badgering, intimidating, or offensive.

Without a union contract, the protection and security you have through Weingarten Rights would no longer exist.



# **You Must Assert Your Right To Representation**

## **State Your 'Weingarten' Rights**

"I am a member of AFSCME, I am requesting my right as granted under the U.S. Supreme Court 'Weingarten' decision to have a union representative present during this meeting because I reasonably believe that it may result in disciplinary action against me or impact my personal working conditions. If my request for representation is denied, I may refrain from answering accusatory questions until such time I am properly represented."

## **Declaración De Derechos De Weingarten**

"Soy miembro de AFSCME y solicito el derecho que me otorga la decisión 'Weingarten' de la Corte Suprema de los EE. UU., de tener un representante sindical presente durante esta reunión porque creo razonablemente que puede resultar en una acción disciplinaria contra mí o afectar mis condiciones personales de trabajo. Si mi niega mi solicitud de representación, puedo abstenerme de responder preguntas acusatorias hasta el momento que esté debidamente representado."

## **Deklarasyon Dwa Weingarten**

"Mwen se yon manm AFSCME ap mande dwa mwen dapre desizyon 'Weingarten' Tribinal Siprèm Etazini an pou gen yon reprezantan sendika prezan pandan reyinyon sa a paske mwen rezonab kwè ke sa ka lakòz aksyon disiplinè kont mwen oswa afekte mwen. kondisyon travay pèsonèl yo. Si demann reprezantasyon mwen an refize, mwen gendwa evite reponn kesyon akize yo jiskaske mwen reprezante m byen."